

32 KAR 2:110. Disclaimers.

RELATES TO: KRS 121.190(1)

STATUTORY AUTHORITY: KRS 121.120(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 121.190(1) requires that all "newspaper or magazine advertising, posters, circulars, billboards, handbills, sample ballots, and paid-for television or radio announcements" relating to the candidacy of any person for public office include a disclaimer indicating by whom the cost of the material was paid. While the statute specifically enumerates certain materials which must have a disclaimer, there are many other methods of political advertisement utilized by candidates and committees which are not addressed. It is necessary to promulgate this administrative regulation to establish guidelines for disclaimer requirements for items not covered by statute.

Section 1. Definitions. "Disclaimer" means the identification of an advertising sponsor required by KRS 121.190(1).

Section 2. Exemptions. (1) Disclaimers shall not be required for calling cards smaller than three and one-half (3 1/2) inches by five (5) inches, pencils, pens, emery boards, fly swatters, matchbooks, bumper stickers, and articles of clothing such as hats, tee shirts, sweat shirts, and jackets, or other items made of material on which a disclaimer would be illegible.

(2) Materials exceeding a single page which are distributed by mail shall be considered as being in substantial compliance with disclaimer requirements if at least one (1) page of the mailing includes a disclaimer.

(3) Envelopes stamped with a return address which includes the name of the candidate or campaign committee as an indication that the candidate is seeking election to public office shall not be required to include a disclaimer, provided that at least one (1) piece of the envelope's contents includes a disclaimer as provided in subsection (2) of this section. (19 Ky.R. 1931; eff. 4-7-1993; Crt eff. 9-27-2019.)